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The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER OF WASHINGTON MUTUAL BANK,

Plaintiff,

vs.

KERRY K. KILLINGER, STEPHEN J. ROTELLA, DAVID C. SCHNEIDER, LINDA C. KILLINGER, and ESTHER T. ROTELLA,

Defendants.

Case No. 2:11-cv-00459

STIPULATION AND ORDER
EXTENDING TIME TO PERFECT
SETTLEMENT AND SUBMIT REQUEST
FOR ENTRY OF FINAL JUDGMENT

1 Plaintiff Federal Deposit Insurance Corporation, as Receiver of Washington Mutual Bank
2 (“FDIC”), and Defendants Kerry K. Killinger, Linda C. Killinger, Stephen J. Rotella, David C.
3 Schneider, and Esther T. Rotella (“Defendants”), through their respective counsel, submit this
4 Stipulation and [Proposed] Order to extend the deadlines for perfecting the parties’ settlement
5 and submitting a request for entry of final judgment pursuant to the Court’s Order Vacating Case
6 Deadlines (Dkt. No. 84).

7 RECITALS

8 1. On October 27, 2011, the parties notified the Court of a pending settlement of this
9 case subject to certain conditions. That same day, the Court issued an Order Vacating Deadlines
10 (Dkt. No. 84), which vacated the then-current case schedule, struck all pending deadlines and
11 motions, granted the parties 60 days to perfect their settlement, and ordered the parties to submit
12 their request for entry of final judgment within 60 days of entry of this order.

13 2. The FDIC and Defendants have now executed a Settlement and Release
14 Agreement.

15 3. Pursuant to that Settlement and Release Agreement, a motion will be made in *In*
16 *re Washington Mutual, Inc.*, No. 08-12229, United States Bankruptcy Court, District of
17 Delaware, for an order authorizing the insurance companies to make the insurance payment
18 pursuant to the settlement agreement and discharging the insurers from liability (“Bankruptcy
19 Distribution Order”).

20 4. The Bankruptcy Distribution Order is a condition precedent to the settlement
21 being finalized.

22 5. The parties anticipate filing a motion seeking the Bankruptcy Distribution Order
23 before year-end to be heard by the Bankruptcy Court in January 2012.

24 STIPULATION

25 IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the FDIC
26 and Defendants, that the parties shall have until February 24, 2012 to perfect their settlement and
27 submit their request for entry of final judgment.

1 IT IS SO STIPULATED.

2 DATED this 23rd day of December, 2011.

3 REED SMITH LLP

DAVIS WRIGHT TREMAINE LLP

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Attorneys for Kerry and Linda Killinger

1 [PROPOSED] ORDER

2 Based on the foregoing Stipulation,

3 IT IS HEREBY ORDERED that the parties shall have until February 24, 2012 to perfect
4 their settlement and submit their request for entry of final judgment.

5
6 DATED this 27th day of December, 2011.

7
8 

9 Marsha J. Pechman
10 United States District Judge

11
12
13 Presented by:

14 DAVIS WRIGHT TREMAINE LLP

15 By: /s/ Steven P. Caplow

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